FORM 4-1

1515.3001.001 Practitioner's Dock t No.

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand comer of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.' " M.P.E.P. § 601, 7th ed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): William R. Voigt and Dennis F. Sauer

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title):

HELICAL ROTARY CUTTER AND METHOD

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.) (Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date <u>January 19, 2001</u> in an envelope as "Express Mail Post Office to Addressee," mailing Label Number <u>EL025776943US</u> addressed to the: Assistant Commissions for Post of the Assistant Commissions for the Assistant Commissions for the Assistant Commissions for the Assistant Commission Commission C dressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Karri M. Chamberlin

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without th Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal [4-1]—pag 1 of 11)

ľU 1,17]: **4**

1. Type of Application

This n w application is for a(n)

(check one applicable item below)

🛛 Origin	al (nonprovisional)
□ Desig	n
☐ Pla	unt
U.S.0	ot use this transmittal for a completion in the U.S. of an International Application under 35 C. § 371(c)(4), unless the International Application is being filed as a divisional, continuation ntinuation-in-part application.
WARNING: Do n	ot use this transmittal for the filing of a provisional application.
TRANSMI	e following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION ITAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.
☐ Divisio	onal.
☐ Conti	nuation.
☐ Conti	nuation-in-part (C-I-P).
D	-io- 116 Application(a) /25 116 C 66 110(a) 120 as 121)

2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

NOTE: A nonprovisional application may claim an invention disclosed in one or more prior filed copending nonprovisional applications or copending international applications designating the United States of America. In order for a nonprovisional application to claim the benefit of a prior filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later filed nonprovisional application and disclose the named inventor's invention claimed in at least one claim of the later filed nonprovisional application in the manner provided by the first paragraph of 35 U.S.C. § 112. Each prior application must also be:

- (i) An international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America; or
 - (ii) Complete as set forth in § 1.51(b); or
- (iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or
- (iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(f) within the time period set forth in § 1.53(f).

37 C.F.R. § 1.78(a)(1).

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(New Application Transmittal [4-1]—page 2 of 11)

- WARNING: When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to th Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).
 - The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3.	Papers	Enclosed
----	---------------	----------

. Tupors Eliotosa
A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application
9 Pages of specification
3 Pages of claims
_4 Sheets of drawing Figures 1-9
WARNING: DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. For comments on proposed then-new 37 C.F.R. § 1.84, see Notice of March 9, 1988 (1990 O.G. 57-62).
NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page " 37 C.F.R. § 1.84(c)).
(complete the following, if applicable)
The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." \$\mathbb{C}7\$ C.F.R. \mathbb{S} 1.84(b).
☐ formal
💆 informal
B. Other Papers Enclosed
Pages of declaration and power of attorney
Pages of abstract
Other
. Additional papers enclosed
☐ Amendment to claims
Cancel in this applications claims before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
☐ Preliminary Amendment
☐ Information Disclosure Statement (37 C.F.R. § 1.98)
☐ Form PTO-1449 (PTO/SB/08A and 08B)
☐ Citations
(New Application Transmittal [4-1]—pag 3 of 11)

L	Dec	aration of Biological Diposit
	Submission of "Sequence Listing," computer readable copy and/or amend pertaining thereto for biotechnology invention containing nucleotide a amino acid sequence.	
 Authorization of Attorney(s) to Accept and Follow Instructions frequency 		orization of Attorney(s) to Accept and Follow Instructions from Representa-
	Spe	sial Comments
		or oath (including power of attorney)
	A newly the price by all control applications and the sign by a straight declaration person.	executed declaration is not required in a continuation or divisional application provided that nonprovisional application contained a declaration as required, the application being filed is fewer than all the inventors named in the prior application, there is no new matter in the on being filed, and a copy of the executed declaration filed in the prior application (showing sture or an indication thereon that it was signed) is submitted. The copy must be accompanied element requesting deletion of the names of person(s) who are not inventors of the application and. If the declaration in the prior application was filed under § 1.47, then a copy of that on must be filed accompanied by a copy of the decision granting § 1.47 status or, if a nonsigning under § 1.47 has subsequently joined in a prior application, then a copy of the subsequently if declaration must be filed. See 37 C.F.R. §§ 1.63(d)(1)–(3).
NOTE:	is direct abbrevi country	ation filed to complete an application must be executed, identify the specification to which it ad, identify each inventor by full name including family name and at least one given name, without tion together with any other given name or initial, and the residence, post office address and or citizenship of each inventor, and state whether the inventor is a sole or joint inventor. 37 1.63(a)(1)—(4).
NOTE:	as pres as pres is that i this pa	entorship of a nonprovisional application is that inventorship set forth in the oath or declaration ribed by § 1.62, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration ribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship ventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under graph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name s of the inventor or inventors." 37 C.F.R. § 1.41(a)(1).
	X End	osed
	Exe	cuted by
		(check all applicable boxes)
	□ X	inventor(s).
		legal representative of inventor(s). 37 C.F.R. §§ 1.42 or 1.43.
		joint inventor or person showing a proprietary. interest on behalf of inventor who refused to sign or cannot be reached.
		□ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
] No	Enclosed.
NOTE:	the U.S	ne filing is a completion in the U.S. of an International Application or where the completion of application contains subject matter in addition to the International Application, the application treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE WAPPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.
		Application is made by a person authorized under 37 C.F.R. § 1.41(c) on behalf of all the above named inventor(s).
		(New Application Transmittal [4-1]—page 4 of 11)

(The dec	laration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e) can be filed subsequently).
	☐ Showing that the filing is authorized. (not required unless called into question. 37 C.F.R. § 1.41(d))
6. invento	rship Statement
WARNING:	If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.
The inven	torship for all the claims in this application are:
Ľ¥ T	he same.
	or
□ N	lot the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
] is submitted.
] will be submitted.
7. Langua	ge
An E requ	application including a signed oath or declaration may be filed in a language other than English. English translation of the non-English language application and the processing fee of \$130.00 ired by 37 C.F.R. § 1.17(k) is required to be filed with the application, or within such time as may set by the Office. 37 C.F.R. § 1.52(d).
Ď E	inglish
	Ion-English
	The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).
8. Assignn	nent
□ A	n assignment of the invention to
_	is attached. A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or FORM PTO 1595 is also attached.
] will follow.
NOTE: "If ar and	n assignment is submitted with a new application, send two separate letters+one for the application one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).
WARNING:	A newly executed "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.
•	(New Application Transmittal [4-1]—page 5 of 11)

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appin. 1	No.		Filed	
Country	Appin. No.			Filed	
Country	Appln. N	No.		Filed	
from which priority is clair	ned				
is (are) attached	d.			•	
☐ will follow.					
NOTE: The foreign application declaration. 37 C.F.R.		claim fo	r priority must L	be referred to in the oath or	
§ 120 is itself entitled	emational Application from w to priority from a prior foreig	vhich thi In applic	s application cla ation, then com	directly relates. If any parent aims benefit under 35 U.S.C. plete item 18 on the ADDED PRIOR U.S. APPLICATION(S)	
10. Fee Calculation (37	C.F.R. § 1.16)				
A. Regular applica	tion		·		
	CLAIMS AS I	FILED	· · · · · · · · · · · · · · · · · · ·		
Number filed	Number Extr	ra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$7600,000 x529 x000	710.00
Total					
Claims (37 C.F.R.	00		A 40.00		
§ 1.16(c)) 6	<u> </u>	<u>×</u>	\$ 18.00	0.00	
Independent Claims (37 C.F.R.					
§ 1.16(b)) 1	- 3 =	×	\$ 78.00	0.00	
Multiple dependent claim(s if any (37 C.F.R. § 1.16(c)	-	+	\$260.00		
- Amondmont on	nacilina outra alaima ir				
	ncelling extra claims is				
	leting multiple-depende			•	
_	aims is not being paid				•
				and Trademark Office in any	
	Filing Fee Calculati	ion		\$ 710.00	
B. ☐ Design applicat (\$310.00—37 C					
(42.2.2.2	Filing Fee Calculati	ion		\$	

(New Application Transmittal [4-1]—page 6 of 11)

C.		Plant application (\$480.00—37 C.		
			Filing fee calculation	\$
11.	Sma	il Entity Stateme	nt(s)	
		Statement(s) that is (are) attached.		entity under 37 C.F.R. § 1.9 and 1.27
	RNING	the status is available affect any other apindirectly depender refiling of an application a continued prosect a new determination application. A nonpassion of a prior application or in the reference to the sistatement in the prodesired. The payme for purposes of this	ole and desired. Status as a smale oplication or patent, including a set upon the application or patent is ation under § 1.53 as a continuate ution application under § 1.53(d), in as to continued entitlement to se provisional application claiming be oplication, or a reissue application is patent if the nonprovisional application in application or in the patent a ant of the small entity basic statuto is section." 37 C.F.R. § 1.28(a)(2)	
WA	RNING	i: "Small entity status can unequivocally 1996 (emphasis ad	make the required self-certificati	person or persons signing the statement ion." M.P.E.P., § 509.03, 6th ed., rev. 2, July
		(0	omplete the following, if a	pplicable)
		60 / 17	for this application under: 119(e), 120,	uary 21, 2000 which benefit
		and which statu	s as a small entity is still	proper and desired.
		☐ A copy of t	he statement in the prior	application is included.
			lculation (50% of A, B or	
			s 355.00`	,
NOT	ar	e filed within 2 month	paid will be refunded if small ent s of the date of timely payment 6. 37 C.F.R. § 1.28(a).	itiy status is established and a refund request tof a full fee. The two-month period is not
12.	Requ	est for Internation	onal-Type Search (37 C.F	.R. § 1.104(d))
			(complete, if applicab	ile)
		Please prepare ar when national ex	international-type search amination on the merits ta	report for this application at the time ak s place.

13. Fee	Рауп	n nt Being Made at This Time		
	Not	Enclosed		
		N filing fee is to be paid at this time. (This and the surcharge required by 37 C.F.R. § subsequently.)	1.16(e)	can be paid
À	Enc	losed		
	X.	Filing fee	\$.	355.00
		Recording assignment (\$40.00; 37 C.F.R. § 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$.	
		Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))	\$	
		For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k))	\$	
		Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))	\$	
		Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$	
fi 3 e	ailing to 37 C.F.I either th	R. § 1.21(f) establishes a fee for processing and retaining any appliance complete the application pursuant to 37 C.F.R. § 1.53(f) and thing the second of the second in the benefice basic filing fee must be paid, or the processing and retention for year from notification under § 53(f).	is, as well a fit of a prior se of § 1.2°	s the changes to U.S. application, I(I) must be paid,
		Total fees enclosed	\$ 355	.00
14. Met	hod o	of Payment of Fees		
	Che	eck in the amount of \$		
Z	Cha	arge Account No. 12-0755	in the	amount of
	Αd	uplicate of this transmittal is attached.		
	Fees sh \$ 1.22(1	ould be itemized in such a manner that it is clear for which purpose b).	the fees a	e paid. 37 C.F.R.

(New Application Transmittal [4-1]-page 8 of 11)

15. Auth rization to Charg Additional Fees

WARNING: If no fees are to be paid on filing, the following items should not be completed.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 12-0755

 - 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.
 - 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).
 - ☑ 37 C.F.R. § 1.17 (application processing fees)
- NOTE: ". . A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).
 - ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))
- NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).
- NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . the issue fee. . . " From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

(New Application Transmittal [4-1]—page 9 of 11)

16. Instructi ns as to Overpayment

NOTE: ". . . Amounts f twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be n tified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☐ Credit Account No. <u>12-0755</u>

☐ Refund

Reg. No. 25,112

Tel. No. (517) 799-5300

Customer No.

SIGNATURE OF PRACTITIONER

Robert L. Farris

(type or print name of attorney)

5291 Colony Drive North

P.O. Address

Saginaw, Michigan 48603

(New Application Transmittal [4-1]—page 10 of 11)

凸	(c pi st th	poration by reference of added pages heck the following item if the application in this transmittal claims the benefit of rior U.S. application(s) (including an international application entering the U.S. age as a continuation, divisional or C-I-P application) and complete and attach e ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF RIOR U.S. APPLICATION(S) CLAIMED)
	K	Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed
		Number of pages added one
		Plus Added Pages for Papers Referred to in Item 4 Above
		Number of pages added
		Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.
		Number of pages added
		Plus "Assignment Cover Letter Accompanying New Application"
		Number of pages added
	State	ment Where No Further Pages Added
	(it	no further pages form a part of this Transmittal, then end this Transmittal with

this page and check the following item)

This transmittal ends with this page.

Practitioner's Do ket No. 1515.3001.001

PATENT

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED

NOTE: See 37 C.F.R. § 1.78.

17. Relate Back

WARNING: If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. §§ 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. §§ 120, 121 or 365(c). (35 U.S.C. § 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. §§ 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

(complete the following, if applicable)

Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. § 119(e)

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).

"This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:	FILING DATE			
60 _/ 177,488	January 21, 2000			
/	, n			
/	77			

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed [4-1.1]—page 1 of 5)